STAFF REPORT
ACTION REQUIRED

Appeal by Universal Music Canada of the Decision of the Chief Building Official for One Variance with Respect to a First Party Sign Proposal for One Wall Sign – 2450 Victoria Park Avenue

<table>
<thead>
<tr>
<th>Date:</th>
<th>January 24, 2014</th>
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</thead>
<tbody>
<tr>
<td>Ward:</td>
<td>Ward 33 – Don Valley East</td>
</tr>
<tr>
<td>File No.:</td>
<td>FP-13-00089</td>
</tr>
<tr>
<td>IBMS File No.:</td>
<td>13-205358</td>
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</tbody>
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PURPOSE OF THE APPEAL

To obtain one variance to Chapter 694, Signs, General, required to permit, in conjunction with an existing music industry office located on the premises, the erection and display of one illuminated wall sign, enclosing a vestibule located along the northerly-facing first storey building wall. The proposed wall sign is to be illuminated, contain electronic static copy, and be 5.64 metres wide by 3.84 metres long, at a height of 6.54 metres, displaying and showcasing musical artists on a frequent basis.

This report recommends that the requested variance from Chapter 694 be refused as it does not meet the criteria established in §694-30A.

REQUESTED VARIANCES

Table 1 – Summary of Requested Variances

<table>
<thead>
<tr>
<th>Section</th>
<th>Requirement</th>
<th>Requested Variance</th>
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<tbody>
<tr>
<td>694-14E</td>
<td>Signs shall display static copy only.</td>
<td>The proposed wall sign displays electronic static copy.</td>
</tr>
</tbody>
</table>
RECOMMENDATIONS

The Manager, Sign By-law Unit, Toronto Building, recommends that:

1. The Sign Variance Committee refuse to grant the variance from the requirement of §694-14E, that a sign shall display static copy only, to allow the issuance of a sign permit authorizing the erection and display on the premises known municipally as 2450 Victoria Park Avenue, of a wall sign displaying electronic static copy.

COMMENTS

The Proposed Sign:
The proposed wall sign would be located on the northerly elevation of the first storey building wall at the entrance vestibule, oriented parallel to Consumers Road, just west of Victoria Park Avenue. The proposed illuminated first party wall sign would contain one sign face displaying electronic static copy with an overall horizontal measurement of 5.64 metres and an overall vertical measurement of 3.84 metres and at height on the wall of 6.54 metres.

A summary of the attributes of the proposed sign is contained in Table 2 below.

Table 2 – Summary of Proposed Sign Attributes:

<table>
<thead>
<tr>
<th>Sign Class:</th>
<th>First Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign Type:</td>
<td>Wall Sign</td>
</tr>
<tr>
<td>Sign Copy Type:</td>
<td>Electronic Static Copy</td>
</tr>
<tr>
<td>Illuminated/Non-Illuminated:</td>
<td>Illuminated</td>
</tr>
<tr>
<td>Sign Height:</td>
<td>6.54 metres</td>
</tr>
<tr>
<td>Sign Face Area:</td>
<td>21.66 square metres</td>
</tr>
<tr>
<td>No. of Sign Faces:</td>
<td>1</td>
</tr>
<tr>
<td>Sign Dimensions (horizontal x vertical):</td>
<td>5.64 metres x 3.84 metres</td>
</tr>
<tr>
<td>Proposed Sign Location:</td>
<td>2450 Victoria Park Avenue; northerly facing building wall</td>
</tr>
</tbody>
</table>

Site Context:
2450 Victoria Park Avenue is designated as a C-Commercial sign district. The subject premises is immediately surrounded by other C-Commercial designated properties to the north, across Consumers Road, and to the west, across Hallcrown Place. To the immediate south, the lands are designated OS-Open Space. Immediately to the east, across Victoria Park Avenue, the lands are designated CR-Commercial Residential. The surrounding area is consistent with a late 20th century contemporary expansion of auto-centric, suburban commercial/office uses.
Table 3 – Summary of 2450 Victoria Park Avenue and Surrounding Area

<table>
<thead>
<tr>
<th>Sign District Designation:</th>
<th>C-Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sign District Designations of Surrounding Premises:</strong></td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>East</td>
</tr>
<tr>
<td>C-Commercial</td>
<td>CR-Commercial Residential</td>
</tr>
<tr>
<td><strong>Land Uses and Attributes of Surrounding Premises:</strong></td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>East</td>
</tr>
<tr>
<td>Office headquarters of Enbridge Gas Co.</td>
<td>High-rise office uses</td>
</tr>
</tbody>
</table>
Criteria Established by §694-30A:
In order to review, consider, and make recommendations on sign variance applications, criteria to evaluate an application for a variance is provided in Chapter 694. §694-30A states that an application for a variance from the provisions of Chapter 694 may only be granted where it is established that the proposed sign meets each of these criteria.

Table 4 – Evaluation of Requested Variance from the Requirement of §694-14E

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Description</th>
<th>Meets Criteria? (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>694-30A(1) - Belongs to a sign class permitted in the sign district where the premises is located</td>
<td>The proposed wall sign belongs to a first party sign class. First party signs are permitted in the C-Commercial sign district.</td>
<td>Yes</td>
</tr>
<tr>
<td>694-30A(2) - In the case of a third party sign, be of a sign type that is permitted in the sign district, where the premises is located</td>
<td>The proposed wall sign is a first party sign.</td>
<td>Yes</td>
</tr>
<tr>
<td>694-30A(3) - Is compatible with the development of the premises and surrounding area</td>
<td>The Appellant suggests that the design and finish of the enclosure in which the proposed wall sign is to be placed “is consistent with the buildings and other features that are present in [the] immediate vicinity”. This consideration does not diminish the visual impact that such a display technology as the one proposed may have. The proposed sign is not particularly compatible with the development of the premises and the surrounding area. The purpose of a first party sign is to identify the business located at the premises on which the sign is erected and displayed. The proposed sign, utilizing the electronic static display technology, is intended to advertise and promote musical artists under the various record labels of Universal Music. The surrounding area has been developed largely in the form and manner of a business park, with a mix of employment and office uses, surface-level parking lots and generous landscaping. Such a method of display is generally not consistent with the built-form and uses occurring in the surrounding.</td>
<td>No</td>
</tr>
<tr>
<td>Criteria</td>
<td>694-30A(4) - Supports the Official Plan objectives for the subject premises and surrounding area</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Meets Criteria? (Yes/No)</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

As provided for in the City’s Official Plan, the land use designation of the subject premises is Employment. The Appellant has not provided any rationale or compelling arguments which would suggest that the proposed wall sign, utilizing electronic static copy display, would meet this established criteria.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>694-30A(5) – Will not adversely affect adjacent premises</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meets Criteria? (Yes/No)</td>
<td>No</td>
</tr>
</tbody>
</table>

The Appellant claims that the proposed sign will not adversely affect any adjacent properties “as the surrounding buildings are all multi-storey, commercial office spaces.” It is unclear that given the uses and built-form occurring in the buildings on adjacent premises, the subject proposal will not adversely affect neighbouring premises. The proposed wall sign, at a substantial size and magnitude, along with the method of copy display being proposed, used to advertise and promote rather than identify, may adversely affect the adjacent premises to the north. The proposed wall sign will be visible to all passers-by travelling along Consumers Road and also visible to the businesses immediately surrounding the subject premises. Such visibility may create both a distraction and an adverse impact.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>694-30A(6) - Will not adversely affect public safety</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meets Criteria? (Yes/No)</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The proposed sign will require a building permit to be erected which ensures the erection methodology is consistent with the Ontario Building Code.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>694-30A(7) - Is not expressly prohibited by §694-15B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meets Criteria? (Yes/No)</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The proposed first party wall sign is not prohibited by §694-15B of Chapter 694.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>694-30A(8) – Will not alter the character of the premises or surrounding area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meets Criteria? (Yes/No)</td>
<td>No</td>
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</tbody>
</table>

A wall sign of the scale and magnitude proposed, along with the method of copy display proposed (with changing imagery) may alter the essential character of the area. The method of copy display proposed is inconsistent with the display technology of all other signs in the area.
<table>
<thead>
<tr>
<th>Criteria</th>
<th>Meets Criteria? (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>694-30A(9) - Is, in the opinion of the decision maker, not contrary to the public interest</td>
<td>No</td>
</tr>
</tbody>
</table>

Concerns have been raised with respect to visual impact and the precedent-setting nature of this proposal by the local Ward Councillor and her office staff.

For this reason it is staff’s opinion that the proposal is contrary to the public interest.

CONCLUSION

In consideration of the materials submitted, it is the Sign By-law Unit’s opinion that it has not been established that the requested variance from §694-14E meets all nine of the criteria for a variance to be granted. As such, it is recommended that the Sign Variance Committee refuse the variance requested from Chapter 694, Signs, General, by the Appellant in connection to the proposed sign.

CONTACT

Robert Bader
Supervisor, Sign By-law Unit
Tel: (416) 392-4113; E-mail: rbader@toronto.ca

SIGNATURE

Ted Van Vliet
Manager, Sign By-law Unit

ATTACHMENTS

1. Applicant’s Original Submission Package
# ATTACHMENT 1: APPLICANT'S ORIGINAL SUBMISSION PACKAGE

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## Sign Variance Application

**Property Owner Information**
- **Name:** Mark Jones
- **Address:** 2450 Victoria Park Avenue, Suite 1, Toronto, ON M8Z 2T8
- **Contact Information:** Phone: 123-456-7890

### Attachments Required
- Sign Variance Site Plan
- Copies of any supporting documents
- All required plans are submitted to the City of Toronto for review.

### Applicant's Declaration and Information
- **Name:** Mark Jones
- **Address:** 2450 Victoria Park Avenue, Suite 1, Toronto, ON M8Z 2T8
- **Phone:** 123-456-7890

**The applicant declares the following:**
- **Property Use:** Universal Music Canada, which is an authorized agent of the owner.
- **Property Owner:** Universal Music Canada, which is the Owner's authorized agent.
- The statements contained in this application are true and made with full knowledge of all relevant facts and of the circumstances connected with this application.
- The statements contained in this application are true and made with full knowledge of all relevant facts and of the circumstances connected with this application.

**Signature:**

Mark Jones
July 5, 2013

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**December 31, 2018**
**Sign Variance Data Sheet**

For Requinsz Ball 111
From Outside the City of Tornco (146.380 CITY (2009)

This data sheet forms part of an application for a Variance from Chapter 304 of the Toronto Municipal Code, Signs.

<table>
<thead>
<tr>
<th>Site and Building Data</th>
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</table>
| Lot No. | 101
| Address | 2450 Victoria Park Avenue
| Number of Buildings on the site | 1
| Date of Construction of Building Owner | 1957
| Building Occupancy | Commercial
| Number of storey | 2
| Building Frontage | 24'
| Building Height | 28'

**Sills Context**

Please execute the title area, buildings and signs should accompany the proposal (see additional pages if necessary).

- **Area is located on North Elevation Building Area by 4' 0" to 4' 0" (APPROX.) ZONED AS COMMERCIAL**

**Proposal**

Please describe in detail what is being proposed (see additional pages if necessary).

- **PLEASE SEE ATTACHED DOCUMENTS (LETTER AND DRAWINGS STAMPED BY ENGINEER)**

**Rationale**

Deductions for all Sign Variance Applications are outlined within the attached list in Toronto Municipal Code Chapter 304-38 A. The details are listed below:

- Transient business, proposed: non-transient, and non-compliance to the property or premises,
- Transient business with a satisfactory offer being made to the property or premises.
- Non-essential for the satisfaction of the building or development plan.
- Non-essential for the satisfaction of the public interest.
- Non-essential for the satisfaction of the public interest.
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- Non-essential for the satisfaction of the public interest.
- Non-essential for the satisfaction of the public interest.

Please describe in detail how the proposed Variance will comply with the above list on the attached pages (if necessary):

- **SEE ATTACHED DOCUMENTS**
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December 24, 2019
PROPOSAL

WE, UNIVERSAL MUSIC, WOULD LIKE TO REPLACE OUR CURRENT OUTDOOR SIGN WITH A NEW LED SIGN UNIT. THE CURRENT SIGN, WHICH WAS ERECTED IN 2009, CONSISTS OF 9 VINYL PANELS THAT ARE USED TO PROMOTE UNIVERSAL MUSIC ARTISTS. THE CURRENT DIMENSIONS OF THIS SIGN ARE 18’ X 18’. THE NEW LED SIGN WILL IN FACT BE SMALLER THAN THE CURRENT SIGN, AT 18’ X 12’.

THE EXISTING STRUCTURE THAT HOLDS THE CURRENT SIGN WILL BE MODIFIED TO SECURELY ATTACH THE NEW LED SIGN USING 6 STEEL "H" BEAMS.

THE LED SIGN WILL BE USED AS A NEW MEDIUM TO SHOWCASE UNIVERSAL MUSIC ARTISTS ON A MORE FREQUENT BASIS. THE SIGN WILL ABIDE BY THE GENERAL REGULATIONS BY-LAW REGARDING ELECTRONIC STATIC COPY (694-L-14) WHICH STATES THAT THE MESSAGE DURATION WILL NOT BE LESS THAN 10 SECONDS AND WILL NOT INCLUDE MOVING IMAGES OR VIDEO.

RATIONALE

THE REASON FOR THE CHANGING OF SIGNS IS THAT OUR CURRENT VINYL SIGN IS BASED ON OLD, STATIC TECHNOLOGY. THE CURRENT SIGN IS MADE UP OF 9, 6’ X 6’, PANELS THAT SHOW SELECT ARTIST COVERS. THESE PANELS ARE ONLY CHANGED EVERY 3-4 MONTHS DUE TO THE HARDWARE. THE NEW LED SIGN WILL ALLOW US TO SHOWCASE NEW AND RELEVANT ARTISTS ON A MORE FREQUENT BASIS AS WE CAN FOLLOW THE STATIC ELECTRONIC BY LAW OF CHANGING THE MESSAGE NO MORE THAN EVERY 10 SECONDS. WITH RESPECT TO PUBLIC INTEREST, THE CONTENT OF THE SIGN WILL ONLY BE USED TO PROMOTE UNIVERSAL MUSIC ARTISTS, MUSIC-BASED CHARITABLE EVENTS, MUSICAL EVENTS WITHIN THE CITY AND THEREFORE SHOULD NOT NEGATIVELY AFFECT ANYONE. WE ALSO FEEL THAT THIS WILL HELP US HELP THE CITY OF TORONTO IN THE GROWTH AND EXPANSION OF DIGITAL MEDIA AND MUSIC VIDEO PRODUCTION INDUSTRIES.

THE NEW LED SIGN WILL BE ERECTED ONTO THE EXISTING SIGN STRUCTURE AND WILL NOT REQUIRE ANY NEW STRUCTURAL SUPPORT. IN OTHER WORDS, THE LED SIGN WILL BE PUT EXACTLY IN PLACE OF THE CURRENT SIGN WITH NO CHANGES. THIS SIGN WILL MATCH THE LOOK AND DESIGN OF OUR HEAD OFFICE BUILDING BEHIND IT. THE LED UNIT WILL BE PLACED INSIDE A BLACK STEEL ENCLOSURE. THE DESIGN AND FINISH OF THE UNIT WILL BE CONSISTENT WITH THE BUILDINGS AND OTHER FEATURES THAT ARE PRESENT IN OUR IMMEDIATE VICINITY.

UNIVERSAL MUSIC IS THE OWNER AND ONLY TENANT ON THE PROPERTY AND BUILDING TO WHICH THE NEW SIGN WILL BE USED. AS OUR BUILDING IS IN A COMMERCIAL ZONE, THE ADDITION OF THIS SIGN WILL NOT ALTER THE CHARACTER OF THE AREA OR AFFECT THE ADJACENT PROPERTIES AS THE
SURROUNDING BUILDINGS ARE ALL MULTI-STOREY, COMMERCIAL OFFICE SPACES. IN ADDITION, THE SIGN WILL BE SECURED TO THE BUILDING VIA STEEL BEAMS AND THEREFORE WILL NOT ADVERSELY AFFECT PUBLIC SAFETY. THE LED UNIT WILL ALSO BE COATED WITH AN “ARMOR” COATING TO PROTECT THE SIGN FROM ROCKS OR PROJECTILES, THEREBY HELPING TO KEEP THE SIGN FROM BEING DAMAGED AND NOT OPERATING PROPERLY.

WITH RESPECT TO ALLOWABLE SIGN CLASS IN THE DISTRICT WHERE THE PREMISES ARE LOCATED, OUR BUILDING IS LOCATED IN WARD 33 AND IS CLASSIFIED AS A COMMERCIAL DISTRICT. ACCORDING TO MUNICIPAL CODE 694-21 C(5), A WALL SIGN IS PERMITTED. WITH RESPECT TO SUBSECTION 694-15B, OUR NEW SIGN DOES NOT FALL UNDER ANY OF THE TEN EXPRESSLY PROHIBITED ITEMS

- NOT ERECTED ON A TREE OR FENCE
- IS NOT A ROOF SIGN
- NOT ERECTED ON A PARKED VEHICLE
- NOT ERECTED ON A VEHICULAR, RAILWAY OR PEDESTRIAN BRIDGE
- DOES NOT OBSTRUCT ANY FIRE ESCAPE, EXIT, DOOR, FLUE, AIR INTAKE, EXHAUST, OR REQUIRED PARKING SPACE OR WINDOW
- DOES NOT INTERFERE WITH ELECTRICAL OR TELEPHONE WIRES OR ASSOCIATED SUPPORT
- DOES NOT EMIT SOUND OR ODOR
- DOES NOT DISCHARGE GAS, LIQUID OR SOLID
- DOES NOT CONTAIN INTERACTIVE COPY
- IS NOT LOCATED IN A VISIBILITY ZONE